

**EXHIBIT “B”**

**“Deposition Of Deputy Christian Peay”**

**(cited pages only)**

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

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KRISTINE BIGGS JOHNSON,	)
	)Case No. 1:14-cv-147
Plaintiff,	)
	)Judge Tena Campbell
vs.	)
	)
DANIEL SCOTT PEAY, a Morgan	)
County Sheriff's Sergeant,	)Videotaped Deposition of:
MORGAN COUNTY, a Political	) <b>CHRISTIAN L. PEAY</b>
Subdivision; and JOHN and	)
JANE DOES 1-10,	)
	)
Respondents.	)

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December 2, 2015  
10:30 a.m.

Location: Sykes McAllister Law Offices  
311 South State Street, Suite 240  
Salt Lake City, Utah

Reporter: Rashell Garcia

A P P E A R A N C E S

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December 2, 2015

10:30 a.m.

P R O C E E D I N G S

CHRISTIAN L. PEAY,

called as a witness, by and on behalf of the plaintiffs,  
having been first duly sworn, was examined and testified as  
follows:

EXAMINATION

BY MR. SYKES:

Q. Do you mind taking your hat off or do you need it  
on?

A. It's up to you.

Q. I'd rather have it off if it's okay, if you don't  
mind. All right. That way I can see you. Okay.

Will you state your full name and your address,  
please?

A. Christian L. Peay. 1902 North 800 West, Orem,  
Utah, 84057.

Q. Okay. And what is your occupation?

A. I work for AEPS, American Eagle Protective  
Services.

Q. What is that exactly?

A. We have a government contract to do security at  
the federal building, just down the road.

Q. Do you work in federal court?

A. Sometimes.

1 counter. And 11:04, Kristine has backed up and Scott Peay  
2 has stepped from this corner out a little bit toward the  
3 vehicle. Do you see that?

4 A. Yes, I do.

5 Q. Okay. Now, when he gave his interview to Davis  
6 County Attorney's Office two days later, he said he was not  
7 in danger, he thought you were but he wasn't.

8 MS. KYTE: Object to the form of the question.  
9 The testimony speaks for itself.

10 Q. Did he ever tell you that?

11 A. No.

12 Q. Did he ever tell you he thought he was in  
13 danger?

14 A. No.

15 Q. Okay. And then I'm going to play it forward from  
16 11:04. And you'll see here the vehicle, the suspect vehicle  
17 comes forward. It doesn't strike Dingman but it strikes you.  
18 Tell me if you agree with that. And just prior to 11:0 --  
19 about 11:0 -- it's hard to control this exactly, but about  
20 11:06 or 7, he fires the bullet. Watch this now. Do you see  
21 that bullet?

22 A. Yes.

23 Q. Do you see where Scott is standing?

24 A. I do.

25 Q. Do you think at the time that that bullet was

1 fired, he was in imminent danger of death or serious bodily  
2 injury?

3 MS. KYTE: Object to the form of the question.

4 Q. Scott. In your opinion.

5 A. I feel that Scott was not in danger at that  
6 time.

7 Q. Yeah. Well you and the Davis County Attorney are  
8 in agreement. Okay, so, now I'm going to play this again.  
9 I'd like to ask you -- now you're a police officer. How long  
10 had you been a police officer at the time?

11 A. I'm not anymore.

12 Q. How long were you at the time?

13 A. Oh, starting in 2003.

14 Q. 2003. So, by 2012, nine years, roughly, on the  
15 force?

16 A. Yeah.

17 Q. Okay. I'd like to ask you your estimate of the  
18 speed of this vehicle as it comes forward. Let me back up  
19 here just a little bit. Okay. I'm going to play it from  
20 11:00 on the counter to 11:08. You tell me how fast it's  
21 coming forward in your opinion, if you have an opinion.

22 A. Could you replay that?

23 Q. Huh?

24 A. Could you replay that, please?

25 Q. Sure. Absolutely.

1 A. Sorry, it's --

2 Q. It's just so hard to get it right on the money.

3 Here, there we go. At 10:55, I want to know from 11:00 to  
4 11:06 --

5 A. Okay.

6 Q. Right now. Here we go.

7 A. Probably five to ten miles per hour, probably six  
8 or seven, maybe, right around there.

9 Q. Five, six, seven, maybe ten, you think?

10 A. No more than ten.

11 Q. Now, at the time that this hit, you've already  
12 said, I think, you didn't think you were in imminent danger,  
13 were you?

14 A. No.

15 MS. KYTE: Object to the form of the question.

16 Q. This is Todd Hardman's camera.

17 A. Whose?

18 Q. It shows where you were.

19 A. Who does he work for?

20 Q. I think he's --

21 MS. KYTE: South Ogden.

22 Q. -- South Ogden, too, but I'm not sure. He's been  
23 deposited. Now, this vehicle right here at 11:04 -- let's see,  
24 4:03, directly ahead of Hardman's vehicle --

25 A. That's me.



1 -- I'm going to go back to 4:11. And we see the impact with  
2 your car at -- your police vehicle at -- see that move  
3 backward about 4:17?

4 A. Yes.

5 Q. Okay. And it was just after that, I'll represent  
6 to you, that the shot was fired. Look where you're standing  
7 here. Do you see where you're standing?

8 A. Yes.

9 Q. Are you in imminent danger of death or serious  
10 bodily injury at that point?

11 A. No.

12 Q. Okay. All right. And we're looking at, for the  
13 record, 4:17 to 4:19; right?

14 A. Yes, that's correct.

15 Q. At any time that night before the shot was fired,  
16 were you in imminent danger of death or serious bodily  
17 injury?

18 A. No.

19 Q. Now, let me ask a few questions about the day  
20 after this event. Now this is the twenty --

21 A. See, I can't remember which month it was. I know  
22 it was in wintertime.

23 Q. Yes, it was November. It was November 25, 2012,  
24 Sunday night.

25 A. Yeah, I remember it was a Sunday.

1 A. No.

2 Q. Did you ever hear that he made that claim until  
3 he saw the video and then changed his mind and said, "I  
4 wasn't in fear of my life but I was in fear of Christian's  
5 life"?

6 A. I heard a few days later that he thought that I  
7 was being ran over.

8 Q. You heard that?

9 A. Yes.

10 Q. Did you talk to anybody about that?

11 A. I'm sure I did. I mean it was kind of a big  
12 thing.

13 Q. Yeah. Oh, yeah. It's a small county and you  
14 have a shooting, so I imagine that's a big thing.

15 A. Yeah, I'm sure I did.

16 Q. Do you remember who you talked to?

17 A. Probably the other deputies, people in the  
18 office.

19 Q. Was it the general opinion of the other deputies  
20 in the office that this shooting was not justified?

21 MS. KYTE: Object to the form of the question.

22 A. I don't know.

23 Q. You don't know. Was it the opinion of the  
24 sheriff that it was not justified?

25 A. I never asked --

1 wasn't a hero for what he did. You knew that?

2 MS. KYTE: Object to the form of the question.

3 A. I didn't say that.

4 Q. Is that your opinion though?

5 MS. KYTE: Same objection.

6 A. It's not my opinion. I mean it's -- I do not  
7 know what Scott was thinking. I know he was in a frame of  
8 mind. We never talked about it.

9 Q. You never talked about it?

10 A. No.

11 Q. Tell me what happened after the shooting between  
12 you and the department that led to your termination.

13 A. Being forced to resigned?

14 Q. Yes.

15 A. Me and my drug dog, we made a lot of drug  
16 arrests. We made hundreds of drug arrests, seized lots of  
17 drugs. And I got called in the office by the sheriff  
18 probably the following spring -- yeah -- and said that I was  
19 banned from patrolling the interstate.

20 Q. Is this six months or so after this or seven  
21 months?

22 A. I think it was in April when he called me in.

23 Q. Okay.

24 A. Because I was profiling vehicles, which is --  
25 doesn't make any sense at all. I mean it was -- everyone in

1 the office was kind of confused by that.

2 Q. You what?

3 A. Everyone in the office was kind of confused when  
4 he banned me from profiling vehicles, which -- how do you  
5 profile a car? You don't pull over any black ones? You  
6 don't pull over any white ones? I don't understand that, but  
7 anyway --

8 Q. So he banned you from patrolling the interstate  
9 with your drug dog?

10 A. Yes.

11 Q. Because somebody had accused you of profiling  
12 vehicles?

13 A. No one accused me. The sheriff thought I was.  
14 He's been watching all my videos, I guess.

15 Q. Okay. All right.

16 A. Then I got called in and said there was a  
17 speeding complaint on me. I was in route to a house on fire.  
18 We don't know if there was anybody insides the house. And I  
19 was following another deputy. They said I was speeding, but  
20 the other deputy wasn't.

21 Q. You were following him?

22 A. Yeah, lights and siren to a house fire. And,  
23 luckily, there was no one in the house.

24 Q. The Ogden Standard Examiner had an article on  
25 you --

1 A. Oh, yeah.

2 Q. -- in April.

3 A. There was a lot of stuff that kind of went on.

4 Q. Yeah. And the claim allegedly was that you were  
5 speeding 80 miles an hour down Main Street in Orem.

6 A. That's incorrect. I've never gone that fast in  
7 town.

8 MS. KYTE: Mr. Sykes, could we go off the record  
9 for a moment? I think we need to go off the record. And I'm  
10 happy to talk to you about why.

11 MR. SYKES: Well I don't know that we need to,  
12 but --

13 MS. KYTE: Well, I can stay on the record.

14 MR. SYKES: Let's go off the record for a  
15 minute.

16 (An off-the-record discussion was held.)

17 Q. Back on the record. You know, I don't want you  
18 to be intimidated.

19 A. I had to talk about all this stuff yesterday with  
20 the FBI for my security clearance.

21 Q. Okay.

22 A. So, anyway --

23 Q. Well, anyway --

24 A. There was an article that Morgan County  
25 Attorneys, who was -- is my neighbor and my LDS bishop, said

1 I routinely drove down through town like at 65 miles an hour.  
2 That is incorrect.

3 Q. That would be tough living in a small town  
4 sometimes.

5 A. It's not a good idea to patrol in the same county  
6 you live in.

7 Q. Yeah. So, what lead you to termination?

8 A. Well, I was called in and said I was speeding.  
9 So they said, you're not allowed to travel more than 70 miles  
10 an hour. If you do, then you have to give a reason why. So,  
11 for the next month, there was a few accidents. I mean, we  
12 had accidents on the interstate, which we have to respond to  
13 because the other troopers were down in Weber County. And  
14 there's injuries. You go fast. So --

15 Q. Fire, you go fast?

16 A. Yeah, exactly. And, also, during this time, when  
17 the sheriff banned me from the interstate, he said it would  
18 be for a few months. So, this is late summer. I sent him an  
19 e-mail saying, hey, am I still banned from patrolling the  
20 interstate. He never did respond.

21 Q. They claim that you tried to get money out of  
22 them for --

23 A. I sued them.

24 Q. -- the dog.

25 A. I had an attorney. Being a K-9 handler, there's

1 federal labor laws that --

2 Q. They're supposed to pay you for taking care of  
3 the dog?

4 A. Yeah, compensation. If you care for the dog at  
5 your home, they're supposed to compensate you, and various  
6 agencies have different amounts. Highway Patrol, it's like  
7 \$200 dollars a month to take care of the dogs. That's about  
8 the average.

9 When I was first assigned K-9 in 2007, I told the  
10 sheriff about this. And he became very upset and said, don't  
11 bring this up again or I'll take the dog away. So I never  
12 did because I love working dogs.

13 Q. Sure.

14 A. Then when all this crap --

15 Q. Let me ask you about the dog. As the dog guy in  
16 Morgan County, the dog has to live with you because you have  
17 to train them and become acquainted with the dog so the dog  
18 obeys you; right?

19 A. Well, yeah, and they don't have the facilities to  
20 care for the dog and stuff.

21 Q. Sure. So what happened?

22 A. It's common practice in Utah for the handler to  
23 have the dog at home.

24 Q. Sure.

25 A. So, for six years, I didn't say anything about

1 it. I kept quiet. When I'd go to K-9 training on Tuesdays  
2 with all the other handlers in Utah, they'd -- we joked about  
3 it and stuff because they knew I was -- what they were doing  
4 wasn't right.

5 So, when the restrictions started to happen, I  
6 couldn't patrol the interstate and placed on administrative  
7 leave, I brought it up to the chief deputy.

8 Q. Why were you placed on administrative leave?

9 A. This -- over supposedly speeding complaints.

10 Q. Okay.

11 A. Like I -- when they -- they would place the  
12 restriction on me I couldn't go more than 70. Anyway, I  
13 responded to accidents, I responded to alarm at a bank and  
14 other things where I had to go drive faster than 70.

15 And, anyway, like I was saying, I e-mailed the  
16 sheriff to ask him if I was still restricted from patrolling  
17 the interstate. He never did respond.

18 And one night there was nothing going on in  
19 Morgan County, which is like every night, so I went to the  
20 rest area. I ended up arresting somebody with drugs. First  
21 vehicle I came in contact with, the guy had meth, so I  
22 arrested him.

23 And what chief deputy told me is that the sheriff  
24 was upset that I went to the rest area and arrested an  
25 individual for drugs.



1           Q.     That's the rest area between Old Farm Market  
2     and --

3           A.     And the canyon, Weber Canyon, the eastbound rest  
4     area.

5           Q.     Eastbound rest area, yeah.

6           A.     And what Chief Deputy Edwards told me, that the  
7     sheriff was upset that I went to the rest area, and asked  
8     that I be placed on administrative leave while they did an  
9     investigation.

10                     During the investigation, Chief Deputy Edwards  
11     reviewed my dash cams throughout the year, and he came up  
12     with like a list of six things he didn't agree with. And  
13     these were responding to accidents too fast, responding to a  
14     bank alarm, verbiage in a report. Just really ticky-tacky  
15     stuff.

16           Q.     Uh-huh.

17           A.     And he'd call me to explain why I was going 90  
18     miles an hour responding to an accident. I'd tell him it  
19     just came out as an injury accident. And I was getting  
20     upset. And I said, "Well, what about the dog? What about me  
21     being compensated for a dog and stuff?" And he just kind of  
22     blew it off.

23                     So after being on administrative leave for,  
24     about, oh, five weeks, they called me in and said, here's the  
25     deal: You can either resign or we'll terminate you. So I

1 resigned.

2 Q. Okay.

3 A. And shortly after that, I hired an attorney. The  
4 attorney did research and figured that they probably owed me  
5 about \$36,000 dollars in back pay for caring for their dog.

6 Q. Did you get it?

7 A. And we reached a settlement.

8 Q. Okay. Was it paid by Morgan County?

9 A. Yes.

10 Q. Then it can't be confidential, I assume.

11 A. Part of the agreement was I'm not supposed to  
12 disclose any information, and that was supposed to give me a  
13 neutral job reference, which they never did so --

14 Q. Can you tell me the amount or not? I don't want  
15 to get you in trouble, but if it's paid by a county, they  
16 can't keep it secret.

17 A. It was less than half of what they owed me.

18 Q. Okay. That's good enough. Now let me ask you  
19 this: In your opinion, did the, I'll call it harassment of  
20 you for allegedly speeding, this kind of -- the things you've  
21 just mentioned, did that start to occur after the shooting of  
22 November 25, 2012, or intensify?

23 A. Yes.

24 Q. Do you have any reason -- and I'm just going to  
25 ask you -- pose a hypothetical to you. You seem today to be

1 Q. Okay. Look at the second paragraph. "At this  
2 point" it begins and ends with "Crap, I'm caught."

3 Have you finished reading that?

4 A. Yeah.

5 Q. There's a line here in that second paragraph,  
6 third line from the bottom, it says -- well, actually, the  
7 fourth one, "Deputy Peay saw that the officer on his left  
8 and right had their guns out and Sergeant Peay had his gun  
9 out." In the next sentence, "The driver of the vehicle," --  
10 I assume that's Ms. Biggs -- "...looked right at Deputy Peay,  
11 put the truck in gear, and gunned it at him and struck his  
12 vehicle, and he heard a gun shot."

13 That's what you wrote. That's what you told  
14 somebody that night; right?

15 A. I might have.

16 Q. Does that sound --

17 A. It's kind of accurate.

18 Q. Yeah. You say she looked at him. There's  
19 nothing here about, had a look of rage or anything like that.  
20 You just say she looked at you.

21 A. I know my report said, she -- Like she was  
22 targeting me. And in here I say that she looked at me. But  
23 I honestly don't recall her looking at me at this date today.  
24 I don't remember it.

25 Q. Look at exhibit -- look at Exhibit 11. I'm

1     sorry, 12. I apologize, 12. It says here, it says,  
2     Synopsis. And I don't know who's writing this for sure. The  
3     last page of Exhibit 12, it doesn't have a name on it.

4             MS. KYTE: Is this starting MSCO 18 through --

5             Q.     Yes.

6             MS. KYTE: Okay.

7             A.     Are you talking about my report?

8             Q.     Where is your report?

9             A.     This is my report.

10            Q.     This is your report?

11            A.     It has the author, Christian Peay.

12            Q.     This is 12, is it?

13            A.     Yes, Exhibit 12.

14            Q.     Oh, yeah. Christian Peay, yeah. When did you  
15     write this, that night or the next day?

16            A.     The next -- the following morning.

17            Q.     It says, "It struck two patrol vehicles and  
18     almost struck two deputies." Do you see that?

19            A.     Yeah, I -- in the synopsis there.

20            Q.     Next page is 00019. At the very top synopsis, it  
21     says, "Kristine Biggs attempted to run over police officers  
22     and struck two police vehicles." Is that how you remember it  
23     or do you not remember that?

24            A.     I don't remember -- I remember very little, to be  
25     honest.

1 Q. Okay.

2 EXAMINATION

3 BY MS. KYTE:

4 Q. Hello, Mr. Peay. I introduced myself earlier.  
5 My name is Julia Kyte, and I'm here on behalf of Sergeant  
6 Peay. And I appreciate you being here today. I recognize  
7 that this is a very hard day for you. And I appreciate you  
8 being here. I am not trying to ask you any insensitive  
9 questions. It is our one day to understand your  
10 perspective. And I'm really not trying to ask questions  
11 about Morgan County, I'm just interested in the night of the  
12 events.

13 A. I understand.

14 Q. Before I move forward to some of the questions,  
15 would you agree with me that as you sit here today, probably  
16 your interview, your report and your dash cam video probably  
17 most accurately reflect what you were thinking at the time of  
18 the events?

19 MR. SYKES: Object, leading.

20 A. See, I don't know if I should respond after an  
21 objection or not.

22 Q. You can go ahead and -- the attorneys are going  
23 to make objections, but if you understand my question, you're  
24 free to answer.

25 A. I know it's not a court of law where the judge

1 decides but --

2 Q. Right. You're free to answer in a deposition.

3 A. I probably wrote it how I thought, felt and saw  
4 it happen when I wrote it.

5 Q. So you would agree with that, fair?

6 A. At the time, yes.

7 Q. Just looking at the Exhibit 12, your report, if  
8 you turn to that paragraph that you were looking at -- this  
9 has already been marked as Exhibit 12, so I'm not going to  
10 hand it to you again -- or, excuse me, mark it as an exhibit  
11 again.

12 A. You need a Coke.

13 MR. SYKES: I do. I don't like the diet.

14 Q. What is marked as MCSO 0021, or page 6 of 7, do  
15 you see where I'm -- what page I'm at?

16 A. Yes.

17 Q. I'm just going to read you two portions of your  
18 report and then ask you a couple of questions, okay?

19 MR. SYKES: Listen, before you do that, I  
20 mentioned this to you before, but we have pages -- we don't  
21 have 1 and 2. We have 3, 4, 5, 6 and 7. Do you have the  
22 first pages of that? Can you get it?

23 MS. KYTE: We've received your deposition -- your  
24 interrogatory request, so I'll look into that.

25 MR. SYKES: All right.

1 MS. KYTE: Today I have the same three that have  
2 been marked as Exhibit 12.

3 MR. SYKES: Okay.

4 Q. (By Ms. Kyte) In the bottom of the first  
5 paragraph it says, "I exited my patrol truck and was standing  
6 left of the driver's door. I had my" --

7 MR. SYKES: I'm sorry, what page are you on  
8 again?

9 Q. I'm on page MCSO 21, 6 of 7.

10 MR. SYKES: Okay.

11 Q. "I had my duty weapon pointed at the driver.  
12 Sergeant Peay was still giving her commands to stop. The  
13 driver then backed up about ten feet. She looked directly at  
14 me and the expression on her face changed. She looked as if  
15 she was targeting me to run me over." Did I read that  
16 correctly?

17 A. Yes.

18 Q. And then moving down that next paragraph, it  
19 says, "She then revved the engine, put the pickup in gear,  
20 and traveled right at me and struck the left side of my front  
21 bumper moving my patrol truck and came to a stop with our  
22 vehicles touching." Did I read that correctly?

23 A. Yes, you did.

24 Q. According to your report, at least, that you  
25 wrote on the morning of November 26 of 2012, it appeared you

1 felt that the suspect was targeting you at the time she drove  
2 forward; is that fair?

3 MR. SYKES: Objection, leading.

4 Q. According to your report.

5 MR. SYKES: Object to the form of the question.

6 A. That's what it states in my report.

7 Q. You can put that aside for now. It's my  
8 understanding you were also interviewed in the early morning  
9 hours a few hours after the incident; is that correct?

10 A. Yes.

11 Q. I'm going to mark as the exhibit -- this is a  
12 transcript of your interview. And I'm just going to ask you  
13 some very specific questions.

14 (Deposition Exhibit No. 44 was marked.)

15 Q. Mr. Peay, before I ask you questions, we have an  
16 audio recording that we previously produced to plaintiff's  
17 counsel. I just want to play the first minute of it so you  
18 can hear if you're -- if you can identify your voice. You  
19 can let me know if you hear it's you or not.

20 A. Okay.

21 Q. I have no intent of going through the whole thing  
22 but...

23 (Briefly off the record.)

24 Q. Mr. Peay, while this is thinking, perhaps I'll  
25 ask you some questions about the transcript that we've



1 caught." Do you remember those questions?

2 A. I remember very little about this interview.

3 Q. And, I apologize, that was an inartful question.  
4 You were asked earlier in your deposition today by Mr. Sykes  
5 about whether you may or may not have made that statement.  
6 Do you recall the deposition -- the questions that Mr. Sykes  
7 just asked you?

8 A. Yes.

9 Q. Okay. Upon reviewing this transcript of your  
10 interview recording, do you believe that it sounded like you  
11 said in your interview you thought she might have been going,  
12 "Oh, crap, I'm caught"?

13 A. Yes, that's what I wrote. That's what I said at  
14 the time.

15 Q. Okay. Moving to the next top right right-hand  
16 side, No. 7, I'm going to start reading at line 7, your  
17 answer where you say, "Just right by my driver's door." Can  
18 you see that?

19 A. Yes.

20 Q. Okay. "Just right by my driver's door."  
21 (Inaudible) things out, I can't remember everything, it's  
22 like major tunnel vision and stuff going on. It was, like,  
23 very surreal. But when she put her vehicle in gear, she  
24 looked at me, I swear, she had the strangest look on her  
25 face. It's like -- I thought she wanted to do a suicide by

1 cop, I really did. It was the strangest look I've seen on  
2 anyone's face. It was weird. That's what I remember more  
3 than anything, the look on her face, just so weird."

4 Did I read that correctly?

5 A. Yes.

6 MR. SYKES: What line are you on now? Page 7,  
7 line 16?

8 Q. I finished at 16. So, is it fair to say that at  
9 least three hours after the incident, you had thought she had  
10 the strangest look on her face?

11 A. That's what I said at the time.

12 Q. And if you just look down to line 18, it says,  
13 your answer, "She's determined to get out of there and run my  
14 truck down. And I was -- I don't know, I guess she could  
15 have nailed me, I was standing right there." Did I read that  
16 correctly?

17 A. Yes.

18 Q. So at least as of three hours after the event, is  
19 it fair to say that you recognized there was a potential she  
20 could have hit you that night?

21 A. I guess it's fair to say. That's what I said to  
22 an investigator but I do not recall.

23 Q. If there was an invoice submitted -- and I  
24 actually believe it's one of the exhibits presently --  
25 indicating that there was over a thousand dollars worth of

1 Q. Do you have a Facebook page, or did you in 2012?

2 A. Yeah. Yes.

3 Q. In looking at this, I'm going to read it to you  
4 and then ask you some questions. "Hey family. A very bad  
5 thing happened tonight at work with me and Scott. We got  
6 into a car chase with a person. At the end of the chase, the  
7 driver tried to run me down. Scott had to shoot the driver  
8 hitting her in the head. Please send some prayers Scott's  
9 way and one or two my way. It's a very difficult thing to  
10 deal with. The driver survived and I don't know why she ran  
11 from us. I know if Scott did not shoot her, I would have  
12 been struck by her vehicle. Thanks."

13 Do you recall writing this post on November 26,  
14 2012?

15 A. Vaguely, I remember posting it.

16 Q. Mr. Peay, in reading this, it appears clear that  
17 you thought well of your brother. You love your brother. Is  
18 that fair?

19 A. Yes.

20 Q. And you know your brother loves you; right?

21 MR. SYKES: I object to the form of the question.  
22 These are not calculated to lead to the discovery of  
23 admissible evidence. And you're trying to prejudice the  
24 witness.

25 A. I don't know how he feels.

1           A.     Yes.

2           Q.     I'm going to move it up to right around the 37  
3 minutes on the left side, and the 48:30 on the right side.  
4 And then I'm going to ask you to listen to what happens and  
5 identify who is talking. Okay?

6                     (An off-the-record discussion was held.)

7           Q.     So, as I move to --

8           A.     I need to text my wife, see if she's okay. She  
9 came with me.

10                    MR. SYKES: Is she outside? Do you want us to  
11 take a break?

12           A.     No, I'll just send her a text. Let's just get  
13 this done and over with.

14           Q.     It's currently at 36:54, but just, we're going to  
15 play it. It's at 37:20 which is the appropriate. Let me  
16 know when you're --

17           A.     Yeah, I'm ready.

18                     (Tape-recording being played.)

19           Q.     So just at around 37:30, I believe someone says,  
20 "Yes, she tried to ram our vehicles, ram me, run me down."  
21 I'm going to play it again and I just want to understand --

22           A.     I heard it.

23           Q.     Do you agree that that's what someone said on  
24 this recording?

25           A.     Yeah.

1 Q. Is that your voice?

2 A. Yes.

3 Q. Okay. Thank you. Mr. Peay, given that the  
4 internal recording lists around 37 minutes and 30 seconds  
5 into when your camera first started on, is it fair to say  
6 that at least right after the incident, you felt that she was  
7 trying to ram your vehicle or run you down?

8 MR. SYKES: I object to the form of the question.  
9 It's leading. Plus, it doesn't take into account the  
10 excitement of the moment which is out of context.

11 A. I don't know. It was a very crazy thing. And if  
12 I said it, I probably felt it. I don't know. To this --  
13 today, I don't recall that.

14 Q. Mr. Peay, if you turn to the Davis County  
15 report -- and I believe you were referred to it earlier, but  
16 I don't recall what exhibit it was. Mr. Sykes, if you  
17 wouldn't mind, I don't have the exhibit binder in front of  
18 me.

19 MR. SYKES: The Davis County findings?

20 MS. KYTE: Attorney's report.

21 MR. SYKES: Exhibit 9.

22 MS. KYTE: Exhibit 9. If you wouldn't mind  
23 turning -- thank you, Exhibit 9. And if you wouldn't mind  
24 turning to the next page, and there is one sentence and then  
25 there's a paragraph that Mr. Sykes didn't reference in

1 to a felony and a misdemeanor after these events?

2 MR. SYKES: Objection, out of context,  
3 improper --

4 A. I don't recall what she pled to. I know there  
5 was a plea agreement. I don't recall what charges she pled  
6 guilty to.

7 Q. Mr. Sykes, would you like me to ask further  
8 clarifying questions on the issue?

9 MR. SYKES: Well, you didn't disclose what it was  
10 for, so it's out of context but --

11 Q. Mr. Peay, were you aware that after these events  
12 on January 7th, 2013, that Ms. Biggs-Johnson pled guilty to a  
13 third degree felony for failure to respond to officer's  
14 signal to stop, which would have been your signal to stop,  
15 and a Class B misdemeanor for driving under the influence of  
16 alcohol or drugs?

17 A. Yeah, that's about right. Like I said, it was  
18 awhile ago and I just try not to think about it.

19 Q. As we sit here today, you've indicated you don't  
20 necessarily recall a lot of the events of that night; is that  
21 fair?

22 A. Yes.

23 Q. As you sit here today, would you rely on your  
24 prior reports and statements?

25 A. Well, I would have to. I don't -- I don't know

1 if me being very bitter towards Morgan County's  
2 administration changed how I remember things or how I feel  
3 about things. I don't know. I wish I would have never seen  
4 that woman that night.

5 Q. Thank you, Mr. Peay. I have no further  
6 questions.

7 EXAMINATION

8 BY MR. SYKES:

9 Q. Going back an hour ago or so when I asked you  
10 questions, I showed you the actual video; correct?

11 A. Yes.

12 Q. And do you think that that video is in any way  
13 inaccurate?

14 A. No, of course not.

15 Q. I mean it shows where you're standing; right?

16 A. Yeah.

17 Q. Didn't you answer some of those questions based  
18 upon looking at the video?

19 A. Yes.

20 Q. Isn't that the best evidence of what happened?

21 MS. KYTE: Object to the form of the question.

22 A. It's probably better evidence than my statement.

23 Q. Yeah. Well your statement was made at a time  
24 when you were quite excited; right?

25 A. Yeah, I was very -- adrenalin was pumping. It's

1 shows?

2 A. I don't know. I mean --

3 Q. It shows what it shows; right?

4 A. I think some bitterness I have towards Morgan  
5 County might have influenced how I remember and think things.

6 Q. But the video doesn't influence --

7 A. No.

8 Q. That's what happened; right?

9 A. No. I don't really have bitterness towards  
10 Scott, I really don't. It's just -- you've had to experience  
11 what they put me through.

12 Q. Sure. Sure.

13 A. So, the video, you know, I agree with you there.

14 Q. Yeah. That's not influenced by any bitterness  
15 you have, is it?

16 A. No.

17 Q. That's just what happened; right?

18 A. Yes.

19 Q. Okay. No further questions. That's all.

20 FURTHER EXAMINATION

21 BY MS. KYTE:

22 Q. Mr. Peay --

23 MR. SYKES: Oh, you have more?

24 Q. Just my last question. Mr. Peay, you  
25 understand as a police officer or a security officer that